

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Child Care Act of 1969 is amended by  
5 changing Section 2.09 as follows:

6 (225 ILCS 10/2.09) (from Ch. 23, par. 2212.09)

7 Sec. 2.09. "Day care center" means any child care facility  
8 which regularly provides day care for less than 24 hours per  
9 day for (1) more than 8 children in a family home, or (2) more  
10 than 3 children in a facility other than a family home,  
11 including senior citizen buildings.

12 The term does not include:

13 (a) programs operated by (i) public or private  
14 elementary school systems or secondary level school units  
15 or institutions of higher learning that serve children who  
16 shall have attained the age of 3 years or (ii) private  
17 entities on the grounds of public or private elementary or  
18 secondary schools and that serve children who have  
19 attained the age of 3 years, except that this exception  
20 applies only to the facility and not to the private  
21 entities' personnel operating the program;

22 (b) programs or that portion of the program which  
23 serves children who shall have attained the age of 3 years

1 and which are recognized by the State Board of Education;

2 (c) educational program or programs serving children  
3 who shall have attained the age of 3 years and which are  
4 operated by a school which is registered with the State  
5 Board of Education and which is recognized or accredited  
6 by a recognized national or multistate educational  
7 organization or association which regularly recognizes or  
8 accredits schools;

9 (d) programs which exclusively serve or that portion  
10 of the program which serves children with disabilities who  
11 shall have attained the age of 3 years but are less than 21  
12 years of age and which are registered and approved as  
13 meeting standards of the State Board of Education and  
14 applicable fire marshal standards;

15 (e) facilities operated in connection with a shopping  
16 center or service, religious services, or other similar  
17 facility, where transient children are cared for  
18 temporarily while parents or custodians of the children  
19 are occupied on the premises or within 0.15 miles away  
20 from the location of the child care facility and readily  
21 available;

22 (f) any type of day care center that is conducted on  
23 federal government premises;

24 (g) special activities programs, including athletics,  
25 crafts instruction, and similar activities conducted on an  
26 organized and periodic basis by civic, charitable and

1 governmental organizations;

2 (h) part day child care facilities, as defined in  
3 Section 2.10 of this Act;

4 (i) programs or that portion of the program which:

5 (1) serves children who shall have attained the  
6 age of 3 years;

7 (2) is operated by churches or religious  
8 institutions as described in Section 501(c)(3) of the  
9 federal Internal Revenue Code;

10 (3) receives no governmental aid;

11 (4) is operated as a component of a religious,  
12 nonprofit elementary school;

13 (5) operates primarily to provide religious  
14 education; and

15 (6) meets appropriate State or local health and  
16 fire safety standards; or

17 (j) programs or portions of programs that:

18 (1) serve only school-age children and youth  
19 (defined as full-time kindergarten children, as  
20 defined in 89 Ill. Adm. Code 407.45, or older);

21 (2) are organized to promote childhood learning,  
22 child and youth development, educational or  
23 recreational activities, or character-building;

24 (3) operate primarily during out-of-school time or  
25 at times when school is not normally in session;

26 (4) comply with the standards of the Illinois

1 Department of Public Health (77 Ill. Adm. Code 750) or  
2 the local health department, the Illinois State Fire  
3 Marshal (41 Ill. Adm. Code 100), and the following  
4 additional health and safety requirements: procedures  
5 for employee and volunteer emergency preparedness and  
6 practice drills; procedures to ensure that first aid  
7 kits are maintained and ready to use; the placement of  
8 a minimum level of liability insurance as determined  
9 by the Department; procedures for the availability of  
10 a working telephone that is onsite and accessible at  
11 all times; procedures to ensure that emergency phone  
12 numbers are posted onsite; and a restriction on  
13 handgun or weapon possession onsite, except if  
14 possessed by a peace officer;

15 (5) perform and maintain authorization and results  
16 of criminal history checks through the Illinois State  
17 Police and FBI and checks of the Illinois Sex Offender  
18 Registry, the National Sex Offender Registry, and  
19 Child Abuse and Neglect Tracking System for employees  
20 and volunteers who work directly with children;

21 (6) make hiring decisions in accordance with the  
22 prohibitions against barrier crimes as specified in  
23 Section 4.2 of this Act or in Section 21B-80 of the  
24 School Code;

25 (7) provide parents with written disclosure that  
26 the operations of the program are not regulated by

1           licensing requirements; and

2                   (8) obtain and maintain records showing the first  
3           and last name and date of birth of the child, name,  
4           address, and telephone number of each parent,  
5           emergency contact information, and written  
6           authorization for medical care.

7           Programs or portions of programs requesting Child Care  
8           Assistance Program (CCAP) funding and otherwise meeting the  
9           requirements under item (j) shall request exemption from the  
10          Department and be determined exempt prior to receiving funding  
11          and must annually meet the eligibility requirements and be  
12          appropriate for payment under the CCAP.

13          Programs or portions of programs under item (j) that do  
14          not receive State or federal funds must comply with staff  
15          qualification and training standards established by rule by  
16          the Department of Human Services. The Department of Human  
17          Services shall set such standards after review of Afterschool  
18          for Children and Teens Now (ACT Now) evidence-based quality  
19          standards developed for school-age out-of-school time  
20          programs, feedback from the school-age out-of-school time  
21          program professionals, and review of out-of-school time  
22          professional development frameworks and quality tools.

23          Out-of-school time programs for school-age youth that  
24          receive State or federal funds must comply with only those  
25          staff qualifications and training standards set for the  
26          program by the State or federal entity issuing the funds.

1           For purposes of items (a), (b), (c), (d), and (i) of this  
2 Section, "children who shall have attained the age of 3 years"  
3 shall mean children who are 3 years of age, but less than 4  
4 years of age, at the time of enrollment in the program.

5           (Source: P.A. 99-143, eff. 7-27-15; 99-699, eff. 7-29-16;  
6 100-201, eff. 8-18-17.)